

ABSTRACT

The formation of the educational unit originated from the state's obligation to educate the nation, by establishing public institutions of basic education to higher education. During the implementation, the Government also provides opportunity, encourages, and provides assistance to the community to establish a private basic education to higher education, which gave birth to private educator, teacher and lecturer.

Higher education institutions in particular, lecturers have an extremely important role to transfer knowledge and build student's character, thus they are expected to possess a high quality and professionalism. A good working relationship and arrangements between the lecturers and organizers of the universities must be put into a well consideration, either by public or private universities, given the lecturer has a strategic role for the development of the institution in implementing the vision and mission.

Unlike public education institution in which the lecturers are appointed by the government, private university; based on its legal status, lecturers are bonded by employment agreement with a legal entity that acts as the Administering Body of Private University (BPPTS) concerned. Since the legal relationship is based on a contract, the principles of general labor agreements walk in line with it, such as freedom of contract principle; consensus-ism, *facta sunt servanda*, goodwill, personality principle, and the principle of equality and collegialism. Therefore, the legal relationship between lecturer and private university concerned, is a continuation of the contractual relationship between the faculty and the Administering Body of Private University (BPPTS), which is academical in the context of the implementation of the three responsibilities of Higher Education.

Given the role of the lecturer in carrying three responsibilities of Higher Education; to realize the vision and mission of private university, with the eventual goal of increasing the intellectual life of the nation, hence it is urgent to provide a firmer legal standing that governs the acts of lecturer as professional with a noble task, by giving special treatment to distinguish them with the workers / laborers as stipulated in the labor laws applicable to the lecturers at present.